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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,521	09/22/1999	CHARLES MEUBUS	91436-123C	4780

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EXAMINER
PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/17/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/401,521	MEUBUS ET AL.	
	Examiner	Art Unit	
	Joseph T Phan	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-37,39-43 and 45-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *21-37,39-43,45-48 and 50-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-31, 33-35 rejected under 35 U.S.C. 102(e) as being anticipated by Norris et al., Patent #5805587.

Regarding claim 21, Norris teaches a plurality of telephony switches interconnected in a switched traffic carrying network for carrying telephone call traffic (Fig.1)and an associated signaling network for carrying signaling information relevant to the establishment of call paths on said traffic carrying network (col.1 lines 38-47);

a method of processing an incoming call directed to a specified subscriber telephone line on said traffic carrying network, said specified subscriber telephone line initially in-use to connect a data terminal to a data network(col.1 lines 38-47), said method comprising:

receiving a signaling message from said signaling network generated in response to said incoming call, said received signaling message received prior to establishment of a call path for said incoming call on said traffic carrying network *(col.1 lines 41-57, col.5 line 66 – col.6 line 11 and col.6 lines 28-50; the ANI/Caller ID of the*

caller is the signaling message that is displayed to the called party, in which the called party then decides if an establishment of a call path is warranted);

in response to said received signaling message, dispatching a first data message indicative of said incoming call to said data terminal on said data network by way of said traffic carrying network and said specified subscriber telephone line*(602 Fig.6 and col.6 lines 28-50; the signaling message from the incoming call is sent visually to the data terminal user).*

Regarding claims 22-23 in view of claim 21, Norris teaches:

receiving a second data message from said data terminal, said second data message indicative of a call disposition response provided to incoming call (609 Fig.6).

in response to receiving said second data message, dispatching a signaling message on said signaling network to establish a call path between said incoming call and said specified subscriber telephone line on said traffic carrying network (604 Fig.6 and col.6 lines 60-67 and col.7 lines 13-49).

Regarding claim 24 in view of claim 21, Norris teaches said signaling network comprises an intelligent network, and wherein said received signaling message is received from a processing element forming part of said signaling network *[CPU 205 Fig. 3; Norris's network is intelligent (e.g. call waiting while subscriber is utilizing the telephone line to connect to the internet)],* therefore Norris comprises an intelligent network.

Regarding claim 25 in view of claim 22, Norris teaches the received signaling message comprises a telephone dial number identifying said specified subscriber telephone line (col. 2 lines 35-39 and col.6 lines 1-15).

Regarding claim 26 in view of claim 25, Norris teaches said received signaling message comprises at least one of a dial number associated with an originator of said incoming call and a name associated with an originator of said incoming call (col. 2 lines 35-39 and col.5 lines 58-col.6 line 24).

Regarding claim 27 in view of claim 21, Norris teaches said data network comprises an internet protocol compliant network, and wherein said first data message comprises a internet protocol compliant message *(col.6 lines 5-50 and col.8 lines 20-32; Norris' data messages are sent over the internet therefore Norris' data message comprises an internet protocol compliant message).*

Regarding claim 28 in view of claim 26, Norris teaches said first data message comprises at least one of a dial number associated with an originator of said incoming call and a name associated with an originator of said incoming call(602 Fig.6 and col.5 lines 58-col.6 line 24).

Regarding claim 29, Norris teaches a notification server comprising with a first interface connected to a telephone signaling network adapted to receive signaling messages;

a first interface for connection of said server to a telephony signaling network, said signaling network for carrying signaling information relevant to the establishment of call paths on a switched traffic carrying telephony network, said first interface adapted to

receive signaling messages prior to establishment of associated call paths on said traffic carrying telephony network *(235 fig. 3, col.1 lines 41-57, col.5 line 66 – col.6 line 11 and col.6 lines 28-50; the ANI/Caller ID of the caller is the signaling message that is displayed to the called party, in which the called party then decides if an establishment of a call path is warranted- therefore, the signaling information is received prior to establishment of a conversation call path);*

a second interface connecting server to data network (215 fig. 3);

the processor of Norris (*Internet Access server and 205 fig. 3*) is operable to: receiving a signal indicating an incoming call to a specified telephone line by way of signaling network (col. 2 lines 31-45) and

in response to receiving said signal, dispatching a data message over data network indicative of said incoming call to a terminal in communication with said data network by way of said specified telephone line (603 Fig.6);

Regarding claim 30 in view of claim 29, the processor in Norris can receive a call disposition message from data terminal over data network (col.6 lines 28-67).

Regarding claim 31 in view of claim 30, Norris teaches the notification server, wherein said processor is further operable to dispatch a signaling message to said signaling network to establish a path on said traffic carrying telephony network between said caller and said specified telephone line, in response to receiving said call disposition response. (col.6 lines 5-60).

Regarding claim 33 in view of claim 29, Norris teaches the notification server wherein said data message comprises an internet protocol compliant message*(col.6*

line 5-67; the data message is sent across a data network(eg. Internet) therefore the data message comprises an internet protocol compliant message)

Regarding claim 34 in view of claim 30, Norris teaches the processor is further operable to dispatch a signaling message that establishes a call path between caller and a voice mail server (col.8 lines 6-14)

Regarding claim 35 in view of claim 30, Norris teaches the notification server wherein said processor is further operable to dispatch a signaling message to said signaling network to establish a call path between said caller and a second subscriber telephone line, on said traffic carrying network (280 Fig.3 and col.6 lines 30-36 and col.8 lines 6-12; the second subscriber telephone line in Norris is connected to a voice mail system).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 32, 36-37, 39-43, 45-48, 50-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris in view of Wheeler et al., Patent #5,572,583.

Regarding claim 32, Norris teaches a network with signaling comprising: in response to an incoming call directed to a subscriber telephone line in use to connect a data terminal to a data network can operably dispatch a data message to subscriber

displaying caller ID information of the caller and in response to subscriber selecting an option on how to handle the call, send a data message back through the data network so the subscriber can choose to terminate the current data connection and establish a call path, route caller to a voice-mail system, ignore the call, or dispose of the call and continue the data communication (602 Fig.6, col.6 lines 1-67).

Norris further teaches a caller interface(S2 Fig.1 connected to a central office switches-label 50 Fig.1 and to a public switched network(PSTN 100 Fig. 1 and 150-10 of Fig.3).

Norris(AT&T assignee) does not expressly teach an Advanced Intelligent Network (AIN) network but does suggest that other public switched networks can be used (e.g AT&T network; col.2 lines 20-25 and col.3 lines 25-38) and uses ISDN-signaling D channel and T1 lines for his connections(col.3 lines 25-38)

Wheeler teaches an AT&T equipped AIN network which is a public switched network and comprises AT&T central office switches(col.5 lines 36-63 and col.11 lines 35-38) , ISDN, and T1 modifications (col.7 lines 18-26 and col.8 lines 19-29).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Norris' ISDN/internet network to include the AIN and AIN services as taught by Wheeler. One of ordinary skill in the art would have been motivated to do this as Norris suggest the use of other public switched networks(ie. AT&T Fig.1) in his ISDN system and Wheeler teaches implementing ISDN in his AIN with the use of AT&T central office switches (col.5 lines 36-63 and col.11 lines 35-38).

Furthermore, Norris(AT&T assignee) discloses a feature(Remote Access Call

Forwarding) offered prior to the year 1995 by Bell Atlantic. Wheeler, who is a Bell Atlantic assignee, discloses the use of an AT&T equipped network and ISDN(used by Norris) in his AIN topology filed in 1994. Therefore, one skilled in the art at the time would have been motivated to implement Wheeler's AIN system within the CO and data network(50,100, and 300 Fig.1) of Norris.

Regarding claims 36, 37, and 39, Norris teaches a signaling network for carrying signaling information relevant to the establishment of call paths on a traffic carrying telephony network, said switching point operable to dispatch a data message in response to an incoming call directed to a specified subscriber telephone line in use to connect a data terminal to a data network using said traffic carrying telephony network, to a telephony network gateway in communication with a data network gateway, said data network gateway operable to dispatch a data message from said over said data network to said data terminal *(300 Fig.1 and col.6 lines 1-67; it is inherently known that utilizing the internet includes having a data network gateway so that the telephony network is able to establish communication with the data network).*

Norris does not expressly teach a Service Control Point (SCP) or a switching point within an AIN for dispatching an AIN termination attempt message.

Wheeler teaches a SCP(43 Fig.1) and a switching point (col.5 lines 36-45) within an AIN for dispatching an AIN termination attempt message (S1 Fig.5, col.9 lines 35-67, and col.13 lines 41-52).

In view of the explanation above in claim 32, it would have been obvious to one

of ordinary skill in the art that since AIN capabilities are provided, an incoming call is sent through a AIN network to a SSP from which a termination attempt trigger is then sent to a SCP to provide advanced routing functions before the call is established with the subscriber using the internet from Norris.

Regarding claim 40, Norris teaches a processing element for interconnection with a communications signaling network carrying signals relevant to establishing call paths on a traffic carrying telephone network, said processing element(200 Fig.1) comprising:
a first interface for connecting said processing element with a signaling network in communication with a switch on said traffic carrying telephone network (235 and 150-10 Fig.3);
a second interface for connecting said processing element with a data network gateway for dispatching data messages on a data network (215 Fig.3);
said processing element operable to dispatch a first message to said data network gateway by way of said second interface in response to receiving an signaling message by way of said first interface, said signal indicative of an incoming call to a specified telephone subscriber line in-use connecting a data terminal to said data network by way of said traffic carrying telephone network (col.6 lines 1-67).

Norris further teaches a caller interface(S2 Fig.1 connected to a central office switches-label 50 Fig.1 and to a public switched network(PSTN 100 Fig. 1 and 150-10 of Fig.3).

Norris(AT&T assignee) does not expressly teach an Advanced Intelligent

Network (AIN) network but does suggest that other public switched networks can be used (e.g AT&T network; col.2 lines 20-25 and col.3 lines 25-38) and uses ISDN-signaling D channel and T1 lines for his connections(col.3 lines 25-38)

Wheeler teaches an AT&T equipped AIN network which is a public switched network and comprises AT&T central office switches(col.5 lines 36-63 and col.11 lines 35-38) , ISDN, and T1 modifications (col.7 lines 18-26 and col.8 lines 19-29).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Norris' ISDN/internet network to include the AIN and AIN services as taught by Wheeler. One of ordinary skill in the art would have been motivated to do this as Norris suggest the use of other public switched networks(ie. AT&T Fig.1) in his ISDN system and Wheeler teaches implementing ISDN in his AIN with the use of AT&T central office switches (col.5 lines 36-63 and col.11 lines 35-38).

Furthermore, Norris(AT&T assignee) discloses a feature(Remote Access Call Forwarding) offered prior to the year 1995 by Bell Atlantic. Wheeler, who is a Bell Atlantic assignee, discloses the use of an AT&T equipped network and ISDN(used by Norris) in his AIN topology filed in 1994. Therefore, one skilled in the art at the time would have been motivated to implement Wheeler's AIN system within the CO and data network(50,100, and 300 Fig.1) of Norris.

Regarding claims 41, 42, and 43 in view of claim 40, Norris teaches dispatching a signaling message on said first interface to establish a call path between said incoming call and:

said specified telephone subscriber line, or second subscriber telephone line, or

voice mail system in response to receiving an appropriate call disposition signal from said data network gateway on said second interface *(280 Fig.3 and col.6 lines 28-36 and col.8 lines 6-12; the second subscriber telephone line in Norris is connected to a voice mail system).*

Regarding claim 45, Norris in view of Wheeler teaches the processing element of claim 40, wherein said AIN signaling message comprises an AIN call termination attempt message (Wheeler col.9 lines 35-67 and col.13 lines 41-52; a termination attempt message is a result of a termination attempt trigger).

Regarding claims 46, 47, and 48, Norris in view of Wheeler teaches the processing element of claim 45, wherein said AIN call termination attempt message comprises a telephone dial number identifying said subscriber line *(Wheeler col.6 lines 35-53), or*

an identifier of an originator of said call, including at least one of a name and dial number associated with said call, or at least one of said name and said dial number (Wheeler *col.6 lines 35-53).*

Regarding claims 50-52 and 56-58, Norris teaches a method of dispatching a message indicative of an incoming call, originating with a caller interconnected with said first switch to a subscriber line interconnected with said second switch, to a terminal in communication with a data network (DT1 and 300 Fig.1 and col.6 lines 1-67).

Norris as modified by Wheeler in view of the above arguments regarding the implementation of an AIN network with the PSTN of Norris would arrive to the claimed invention below:

the dispatching of a first signaling message from a first signaling point to a second signaling point, then in reponse to said first signaling message, dispatching a second signaling message from said second signaling point to said processing element;
then in response to said second signaling message, dispatching a third signaling message from said processing element to said data network gateway;
then in response to said third signaling message, dispatching a data message from said network gateway over said data network to said data terminal (*this is a routing path of an AIN [(the incoming call is sent from Norris S2 Fig.1 to Wheeler's AIN network, the second signaling point is basically another central office 11-13 of Fig.1 that the message has to pass through, from the third signaling message of the processing element is sent to the data network gateway of Norris 300 Fig.1) implemented in Norris' system (Norris Fig.1)].*

These signaling messages are prior to the establishment of a call path between the first and second switches because it is after these signaling messages that the subscriber connected to internet can have the option of selection he/she chooses if he wants to establish a direct call path with the incoming caller.

Regarding claims 53-55 and 59-61 in view of claims 52 and 58 respectively, Norris as modified by Wheeler teaches the second signaling comprising the telephone dial number identifying said subscriber line *(routing incoming call of Norris', col.2 lines 35-39 through 1st SSP and 2nd SSP to the SCP of Wheeler Fig.1 and col.6 lines 35-52 and col.9 lines 35-66, would still include the telephone dial number identifying said*

subscriber line as the SCP needs this information to know how to process the incoming call).

Allowable Subject Matter

3. Claim 49 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach the AIN system of claim 40 that further incorporates a processing element able to monitor a voice mail server and provide a signal to a data network gateway indicative of a message waiting at said voice mail server.

Response to Arguments

4. Applicant's arguments filed 04/30/03 have been fully considered but they are not persuasive.

Applicant argues that Norris, Patent #5,805,587, cannot anticipate claims 21 and 29 because no separate signaling network is disclosed and that no signaling is received prior to establishment of a call path on a traffic carrying telephony network. Examiner respectfully disagrees as Norris does anticipate and teach each of claims 21 and 29. Specifically, the ANI/Caller ID of the caller is the signaling message that is displayed to the called party, in which the called party then decides if an establishment of a 2-way direct call path is wanted (col.1 lines 41-57, col.5 line 66 – col.6 line 11 and col.6 lines 28-50. Therefore the signaling message in Norris is received by the internet user prior to establishment of a 2-way call path. This prior signaling message before establishing

a 2-way call path is the primary basis for Norris' invention. Therefore, the Norris patent anticipates claims 21 and 29 and also their dependent claims.

Applicant argues that there is no motivation to combine the teachings of Norris and Wheeler. Examiner respectfully disagrees.

Norris teaches a caller interface(S2 Fig.1) that is connected to an AT&T central office switch-label 50 Fig.1 and a public switched network(100 Fig. 1).

Norris(AT&T assignee) does not expressly teach an Advanced Intelligent Network (AIN) network but does suggest that other public switched networks can be used (e.g AT&T network; col.2 lines 20-25 and col.3 lines 25-38) and uses ISDN-signaling D channel and T1 lines for his connections(col.3 lines 25-38)

Wheeler teaches an AT&T equipped AIN network which is a public switched network and comprises AT&T central office switches(col.5 lines 36-63 and col.11 lines 35-38) , ISDN, and T1 modifications (col.7 lines 18-26 and col.8 lines 19-29).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Norris' ISDN/internet network to include the AIN and AIN services as taught by Wheeler. One of ordinary skill in the art would have been motivated to do this as Norris suggest the use of other public switched networks(ie. AT&T Fig.1) in his ISDN system and Wheeler teaches implementing ISDN in his AIN with the use of AT&T central office switches (col.5 lines 36-63 and col.11 lines 35-38). Therefore one could implement Wheeler's AT&T CO switches(SSP) as Norris' CO and ISDN network(50 and 100 Fig.1) since both carry voice and signaling data which Wheeler discloses and the use of AT&T equipped network and T1 lines (Wheeler col.5

lines 36-63, col.7 lines 18-26, col.8 lines 24-25, and col.11 lines 35-38,).

Furthermore, Norris(AT&T assignee) discloses a feature(Remote Access Call Forwarding) offered prior to the year 1995 by Bell Atlantic. Wheeler, who is a Bell Atlantic assignee, discloses the use of an AT&T equipped network and ISDN(used by Norris) in his AIN topology filed in 1994. Therefore, one skilled in the art at the time would have been motivated to implement Wheeler's AIN system within the CO and data network(50,100, and 300 Fig.1) of Norris.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

JTP
July 14, 2003